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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,499	11/28/2003	Michael Cuylen	Q77791	7666
23373	7590	02/16/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			GANDHI, DIPAKKUMAR B	
			ART UNIT	PAPER NUMBER
			2138	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/722,499	CUYLEN, MICHAEL
	Examiner Dipakkumar Gandhi	Art Unit 2138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**Response to Amendment**

1. Applicant's request for reconsideration filed on 11/23/2005 has been reviewed.
2. The amendment filed on 11/23/2005 has been entered, including amended specification and amended claims.
3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) in view of Thompson et al. (US 3,699,479).

As per claim 1, Masao teaches a method for protected transmission of data whose coding is represented by a first, transmitted sequence having a predetermined number of on and off values, comprising: and generating error information, when a first final value of the count, which, together with the data, is transmitted as a second coded sequence of the count, differs from a second final value, which is also formed from the first transmitted sequence (abstract, Masao).

However Masao does not explicitly teach the specific use of forming a count, from the first transmitted sequence, the count representing the predetermined number, by changing a counting direction after each on-value and by incrementing or decrementing the count for each off-value.

Thompson et al. in an analogous art teach that the operation of the counter 22 is controlled by two units 32 and 34. Unit 32 determines the direction of counting (col. 2, lines 28-30, Thompson et al.). Thompson et al. teach that when  $a = 0$ , the unit 32 is actuated to cause the counter 22 to count up and when  $a = 1$ , the unit 32 is actuated to cause the counter 22 to count down (col. 2, lines 38-41, Thompson et al.).

Thompson et al. teach that if the incoming data on line 38 changes value again so that "a" becomes 1, the direction of counting of counter 22 will reverse (col. 3, lines 30-32, Thompson et al.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Thompson et al. by including an additional step of forming a count, from the first transmitted sequence, the count representing the predetermined number, by changing a counting direction after each on-value and by incrementing or decrementing the count for each off-value.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that it would provide the opportunity to transmit the protected data by transmitting a specific count value depending on the data transmitted.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) and Thompson et al. (US 3,699,479) as applied to claim 1 above, and further in view of Roche (US 4,138,596).

As per claim 2, Masao and Thompson et al. substantially teach the claimed invention described in claim 1 (as rejected above).

However Masao and Thompson et al. do not explicitly teach the specific use of the method, wherein the first, transmitted sequence is structured in a sequence of time slot frames.

Roche in an analogous art teaches that according to the recommendations... the time slots are numbered from 0 to 31 (col. 1, lines 13-23, Roche).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Roche by including an additional step of using the method, wherein the first, transmitted sequence is structured in a sequence of time slot frames.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using the method, wherein the first, transmitted sequence is structured in a sequence of time slot frames would provide the opportunity to transmit the signal using pulse code modulation.

- As per claim 3, Masao, Thompson et al. and Roche teach the additional limitations.

Roche teaches the method, wherein a time slot frame representing a data item is coded by the predetermined number of on and off values (col. 1, lines 13-23, lines 30-33, Roche).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738), Thompson et al. (US 3,699,479) and Roche (US 4,138,596) as applied to claim 2 above, and further in view of Sainomoto et al. (US 2001/0054109 A1).

As per claim 4, Masao, Thompson et al. and Roche substantially teach the claimed invention described in claim 2 (as rejected above).

However Masao, Thompson et al. and Roche do not explicitly teach the specific use of the method, wherein the sequence of time slot frames is followed by a respectively structured signature frame, which includes the coded sequence of the count.

Sainomoto et al. in an analogous art teach that when the order information is inserted, the order information insertion control unit 1015 adds 1 to the count of the order number counter 1016 and inserts as the order number the added count in the frame (page 5, paragraph 65, Sainomoto et al.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Sainomoto et al. by including an additional step of using the method, wherein the sequence of time slot frames is followed by a respectively structured signature frame, which includes the coded sequence of the count.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using the method, wherein the

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sequence of time slot frames is followed by a respectively structured signature frame, which includes the coded sequence of the count would provide the opportunity to use the signature frame at the receiver to detect data transmission error.

9. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) and Thompson et al. (US 3,699,479) as applied to claim 1 above, and further in view of Boros (US 4,095,165).

As per claim 5, Masao and Thompson et al. substantially teach the claimed invention described in claim 1 (as rejected above).

However Masao and Thompson et al. do not explicitly teach the specific use of the method, wherein the count assumes periodic values.

Boros in an analogous art teaches that the periodic count responsive to the voltage controlled oscillator frequency attains a certain numerical value equaling the reference count (col. 3, lines 3-6, Boros).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Boros by including an additional step of using the method, wherein the count assumes periodic values.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using the method, wherein the count assumes periodic values would provide the opportunity to use a counter to determine a final result value.

- As per claim 6, Masao, Thompson et al. and Boros teach the additional limitations.

Boros teaches the method, wherein the periodic values of the count are numerical values in a numerical system (col. 3, lines 3-6, Boros).

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) and Thompson et al. (US 3,699,479) as applied to claim 1 above, and further in view of Fairbairn (US 4,181,850).

As per claim 7, Masao and Thompson et al. substantially teach the claimed invention described in claim 1 (as rejected above).

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However Masao and Thompson et al. do not explicitly teach the specific use of the method, wherein the coding of all the on and off values to be transmitted is carried out in a manner that an on-value is followed by at least one off-value.

Fairbairn in an analogous art teaches that this is a well known code in which a '1' is represented by a 1 followed by a 0 (col. 4, lines 41-43, Fairbairn).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Fairbairn by including an additional step of using the method, wherein the coding of all the on and off values to be transmitted is carried out in a manner that an on-value is followed by at least one off-value.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using the method, wherein the coding of all the on and off values to be transmitted is carried out in a manner that an on-value is followed by at least one off-value would provide the opportunity to determine an error in the transmission if an on-value is followed by an on-value is received at the receiver.

11. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) and Thompson et al. (US 3,699,479) as applied to claim 1 above, and further in view of Sato et al. (US 4,087,627).

As per claim 8, Masao and Thompson et al. substantially teach the claimed invention described in claim 1 (as rejected above).

However Masao and Thompson et al. do not explicitly teach the specific use of the method, wherein an on-value is formed by a pulse sequence.

Sato et al. in an analogous art teaches to produce a sequence of input pulses G, as indicated at P1, P2, P3, and P4, whenever the input signal A is subjected to a transition in its binary values (fig. 2, col. 4, lines 47-49, Sato et al.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Sato et al by including an additional step of using the method, wherein an on-value is formed by a pulse sequence.

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This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using the method, wherein an on-value is formed by a pulse sequence would provide the opportunity to transmit the signal using pulse code modulation.

- As per claim 9, Masao, Thompson et al. and Sato et al. teach the additional limitations.

Sato et al. teach the method, wherein the pulse sequence has an even number of pulses and pauses with a same duty ratio (fig. 2, col. 3, lines 42-46, col. 4, lines 47-49, Sato et al.).

- As per claim 10, Masao, Thompson et al. and Sato et al. teach the additional limitations.

Sato et al. teach the method, wherein a pulse is associated with a predetermined number of carrier oscillations (col. 3, lines 42-44, Sato et al.).

12. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738) in view of Thompson et al. (US 3,699,479) and Gomm et al. (US 5,650,761).

As per claim 11, Masao teaches (a) to transmit data whose coding is represented by a first, transmitted sequence having a predetermined number of on and off values; (c) to generate error information, when a first final value of the count, which, together with the data, is transmitted as a second coded sequence of the count, differs from a second final value, which is also formed from the first transmitted sequence (abstract, Masao).

However Masao does not explicitly teach the specific use of (b) forming a count, from the first transmitted sequence, the count representing the predetermined number of on and off values, by changing a counting direction after each on-value and by incrementing or decrementing the count for each off-value.

Thompson et al. in an analogous art teach that the operation of the counter 22 is controlled by two units 32 and 34. Unit 32 determines the direction of counting (fig. 1, col. 2, lines 28-30, Thompson et al.).

Thompson et al. teach that when  $a = 0$ , the unit 32 is actuated to cause the counter 22 to count up and when  $a = 1$ , the unit 32 is actuated to cause the counter 22 to count down (col. 2, lines 38-41, Thompson et al.). Thompson et al. teach that if the incoming data on line 38 changes value again so that "a" becomes 1, the direction of counting of counter 22 will reverse (col. 3, lines 30-32, Thompson et al.).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Thompson et al. by including an additional step of (b) forming a count, from the first transmitted sequence, the count representing the predetermined number of on and off values, by changing a counting direction after each on-value and by incrementing or decrementing the count for each off-value.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that it would provide the opportunity to transmit the protected data by transmitting a specific count value depending on the data transmitted.

Masao also does not explicitly teach the specific use of a mobile data memory for non-contacting interchange of a sequence of data items with a reader/writer, the mobile data memory comprising a first coding device configured.

However Gomm et al. in an analogous art teach mobile data collecting means...memory (col. 14, lines 11-18, Gomm et al.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Gomm et al. by including an additional step of using a mobile data memory for non-contacting interchange of a sequence of data items with a reader/writer, the mobile data memory comprising a first coding device configured.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that it would provide the opportunity to transmit data from the reader/writer to the mobile data memory.

- As per claim 12, Masao, Thompson et al. and Gomm et al. teach the additional limitations.

Masao teaches a cycle counter for forming the count; and a comparison unit for generating a first error message, when the first final value of the count differs from the second final value (abstract, Masao).

- As per claim 13, Masao, Thompson et al. and Gomm et al. teach the additional limitations.

Gomm et al. teach a reader/writer for non-contacting interchange of a sequence of data items with a mobile data memory, the reader/writer comprising a second coding device (col. 14, lines 11-18, Gomm et al.).

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Masao teaches (a) to transmit data whose coding is represented by a first, transmitted sequence having a predetermined number of on and off values; (c) to generate error information, when a first final value of the count, which together with the data, is transmitted as a second coded sequence of the count, differs from a second final value, which is also formed from the first, transmitted sequence (abstract, Masao).

Thompson et al. teach (b) to form a count, from the first transmitted sequence, the count representing the predetermined number of on and off values, by changing a counting direction after each on-value and by incrementing or decrementing the count for each off-value (fig. 1, col. 2, lines 28-30, lines 38-41, col. 3, lines 30-32, Thompson et al.).

- As per claim 14, Masao, Thompson et al. and Gomm et al. teach the additional limitations.

Masao teaches a cycle counter for forming the count; and a comparison unit for generating a second error message, when the first final value of the count differs from the second final value (abstract, Masao).

- As per claim 15, Masao, Thompson et al. and Gomm et al. teach the additional limitations.

Gomm et al. teach an identification system, comprising at least one mobile data memory; and a reader/writer; wherein the mobile data memory and the reader/writer interchange sequences of data via a non-contacting data transmission path (col. 14, lines 11-18, Gomm et al.).

Masao teaches that a coding of the data is represented by a first, transmitted sequence having a predetermined number of on and off values; and a comparison unit to generate error information, when a first final value of the count, which, together with the data, is transmitted as a second coded sequence of the count, differs from a second final value, which is also formed from the first transmitted sequence (abstract, Masao).

Thompson et al. teach a cycle counter configured to form a count, from the first transmitted sequence, the count representing the predetermined number of on and off values, by changing a counting direction after each on-value and by incrementing or decrementing the count for each off-value (fig. 1, col. 2, lines 28-30, lines 38-41, col. 3, lines 30-32, Thompson et al.).

13. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masao (JP 59045738), Thompson et al. (US 3,699,479) and Gomm et al. (US 5,650,761) as applied to claim 15

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above, and further in view of Kuttruff et al. (US 2002/0080864 A1) and Eckstein et al. (US 2001/0040507 A1).

As per claim 16, Masao, Thompson et al. and Gomm et al. substantially teach the claimed invention described in claim 15 (as rejected above).

However Masao, Thompson et al. and Gomm et al. do not explicitly teach the specific use of ISO/IEC 14443 standard.

Kuttruff et al. in an analogous art teach that these standards, such as the ISO/IEC 10536, ISO/IEC 14443 or ISO/IEC 15693, prescribe the data rate of the exchanged data, their coding, the type of modulation, and the carrier frequency of the transmitted signals (page 1, paragraph 4, Kuttruff et al.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Kuttruff et al. by including an additional step of using the ISO/IEC 14443 standard.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using the ISO/IEC 14443 standard would provide the opportunity to use data rate of the exchanged data and the carrier frequency of the transmitted signals mentioned in the ISO/IEC 14443 standard.

Masao, Thompson et al. and Gomm et al. also do not explicitly teach specifically that the identification system is configured to operate in an ISM frequency band.

However Eckstein et al. in an analogous art teach that the resonant frequency of the first resonant circuit lies in an Industrial, Scientific and Medical (ISM) frequency band as assigned by the International Telecommunications Union (ITU), (page 3, paragraph 30, Eckstein et al.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masao's patent with the teachings of Eckstein et al. by including an additional step of using the identification system configured to operate in an ISM frequency band.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that using the identification system

configured to operate in an ISM frequency band would provide the opportunity to use a transmitter to generate a pulse amplitude modulated signal having a carrier frequency in the range of 13.5 MHz.

- As per claim 17, Masao, Thompson et al. Gomm et al., Kuttruff et al. and Eckstein et al. teach the additional limitations.

Kuttruff et al. teach the ISO/IEC 15693 standard (page 1, paragraph 4, Kuttruff et al.).

Eckstein et al. teach that the identification system is configured to operate in an ISM frequency band (page 3, paragraph 30, Eckstein et al.).

- As per claim 18, Masao, Thompson et al. Gomm et al., Kuttruff et al. and Eckstein et al. teach the additional limitations.

Eckstein et al. teach that the ISM frequency band comprises a 13.56 MHz frequency band (page 3, paragraph 30, Eckstein et al.).

- As per claim 19, Masao, Thompson et al. Gomm et al., Kuttruff et al. and Eckstein et al. teach the additional limitations.

Eckstein et al. teach that the ISM frequency band comprises a 13.56 MHz frequency band (page 3, paragraph 30, Eckstein et al.).

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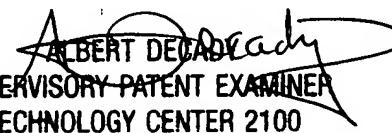
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dipakkumar Gandhi whose telephone number is 571-272-3822. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dipakkumar Gandhi  
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